

APPROVED: Meeting No. 44-87

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 42-87

November 16, 1987

The Mayor and Council of Rockville, Maryland convened in Executive Session in the City Manager's Conference Room, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, November 16, 1987, at 8:40 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Steve Abrams

Councilman James Coyle

Councilwoman Viola Hovsepian

Councilman David Robbins

In attendance: City Attorney Paul Glasgow, City Clerk Helen M. Heneghan.

On motion of Councilman Coyle, duly seconded and unanimously passed, the meeting was closed to discuss personnel in executive session pursuant to Section 10-508(a)(1) of the State Government Article of the Annotated Code of Maryland.

Councilman Coyle moved not to renew the employment contract of the City Manager. The motion was seconded by Councilwoman Hovsepian with Mayor Duncan, Councilmembers Coyle, Hovsepian and Robbins voting in favor of the motion and Councilman Abrams voting against the motion.

Councilman Coyle moved to terminate the services of Mr. Robinson as City Manager effective immediately. The motion was seconded by Councilman Robbins with Mayor Duncan, Councilmembers Coyle, Hovsepian and Robbins

voting in favor of the motion and Councilman Abrams voting against the motion.

On motion of Councilman Coyle, seconded by Councilwoman Hovsepian, and unanimously passed, the Mayor and Council appointed Rick Kuckkahn as Acting City Manager pending appointment of a new City Manager.

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 9:00 p.m.

The Mayor and Council of Rockville, Maryland, convened in General Session, in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson, Rockville, Maryland, on Monday, November 16, 1987 at 9:15 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Steve Abrams

Councilman James Coyle

Councilwoman Viola Hovsepian

Councilman David Robbins

In attendance: City Attorney Paul Glasgow, City Clerk Helen M. Heneghan.

The Mayor in the chair.

Re: Mayor's Report

Mayor Douglas M. Duncan reported the following:

1. Mayor Duncan announced that during executive session, as of this date, the Mayor and Council voted not to renew the employment contract of the City Manager, Richard V. Robinson and to terminate his services as Manager effective immediately. Mayor Duncan thanked him for his past service.

Mayor Duncan announced that Mr. Rick Kuckkhan, Director of Planning, would serve as Acting City Manager until a new manager can be selected.

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Councilmembers Abrams, Hovsepian and Coyle have been selected as the Search Committee for the new city manager.

2. Mayor Duncan thanked City Clerk Helen M. Heneghan for helping the City through a bad period. He announced that advertising would begin for a permanent City Clerk, and that any interested residents who might wish to apply should contact the Human Resources Department.

Councilman Abrams suggested that the City Clerk be asked to except a six month extension in order to insure some continuity. Mayor Duncan suggested that this be discussed in Executive Session.

3. Councilman Abrams noted that although there is a search committee for the selection of a new city manager, an Executive Search Firms services will be used by the committee. He asked that he might read a statement for the record:

"Tonight I'm starting my fifth term on the Rockville City Council. Unfortunately, the term is starting in a way that suggests it will not bode well for our City, our residents, or our staff. For that I apologize to our City staff for the actions of my four 'colleagues' and ask you to forgive them because they know not what they are doing.

On election night two weeks ago a reporter asked me what I anticipated it would be like working with the newly elected Mayor and Council. I speculated than that I would probably be ignored in the decision-making. However, in my wildest dreams I never expected their action to be as brazen as the events of the past two weeks.

Both the decision on the City Manager and the process by which that decision was reached troubles me. Three members of the current Mayor and Council have worked with the City Manager. Three of us participated in

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hiring him. Two of us voted to renew his contract through February of 1988. One, our Mayor has refused to speak to him for more than a year.

Sometime last week, a decision was apparently reached where my four colleagues, without consulting me or even talking to me about the City Manager's performance, decided to fire the City Manager. So that the public is aware of what has occurred, I will attempt to clarify the events of the past few days as I understand them. Mayor Duncan, after talking to the press - but not the City Manager - called City Hall at 4 o'clock last Thursday afternoon to set an appointment with the City Manager for the following morning at 10:15. At 11:30 Thursday night, Rev. Mansfield Kaseman talked with the City Manager and told him that Mayor Duncan had four votes to terminate his contract. At 9:40 Friday morning, Mr. Duncan called my office. I was attending a hearing of the Senate Foreign Relations Committee at that time and did not return to my office until around noon. I then returned the call. To my knowledge, Mr. Duncan made no effort to reach me between 4 o'clock Thursday afternoon when the meeting was scheduled and the following morning. I was home and available Thursday evening had he attempted to contact me. Apparently at the Friday morning meeting, the City Manager was told to clear out of his office by Tuesday morning and couch his leaving in any terms he chose.

There was no barrier, legal or otherwise, to prevent the incoming Mayor and Council from meeting as a group to discuss the City Manager since the time of the election. As Mayor Duncan knows full well, even if he didn't want to sit through a face-to-face meeting, a conference call between the five of use could have been easily achieved. Perhaps the preparation of his elaborate swearing-in ceremony was deemed more important by the Mayor's

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advisors than calling a meeting of the new Mayor and Council to discuss the City Manager issue.

As a result of all this, the Executive Session we just held this evening was really a sham. Open, responsive government can only exist if the process of openness and responsiveness applies, in the first instance, to the Mayor and Council itself.

Mr. Duncan, in all fairness, did say during the campaign that he intended to fire the City Manager. However, my three council colleagues certainly gave different indications to the public. Specifically, Councilmembers Robbins and Hovsepien both stated, on more than one occasion, that they would reserve judgment until working with the City Manager. Were their representations just lies to the public to secure their votes?

I was most surprised that Councilman Robbins would act in a manner that exhibits such a lack of compassion for another urban professional. We all remember how badly Dave felt after County Executive Kramer fired him last spring. At least Sid waited nearly six months before terminating Mr. Robbins, a former political appointee of the Gilchrist administration and who ran against Mr. Kramer in the Democratic primary.

The firing of the City Manager in this fashion will cost the City of Rockville at least \$40,000. That is what the buy out of the contract alone will cost. In addition, we will now bear the expense of a new search. And we don't know how many other staff members will leave as a result of this action. In my view, that money should be reported on Mr. Duncan's campaign expenses, with an acknowledgement that he has succeeded in achieving public financing of Rockville campaigns. I would only hope that the Mayor and his cronies are smart enough not to try to pay off one of their political

consultants with the City Manager's job. If they were to do that, the real cost of the Duncan campaign would exceed well over \$200,000, a figure that makes former Mayor Van Grack's funding efforts during the last campaign look like small change.

I can only warn my three council colleagues to be careful. I remember the opening scenes of Mary Poppins, where governess after governess were fired because of the whims and caprice of spoiled children. The three of you must be careful not to indulge Mr. Duncan when his behavior may appear to resemble the tantrums of a petulant child-mayor and satisfying that behavior comes at the expense of the public we were all elected to represent.

Mayor Duncan, I will tell you the same thing tonight in public that I told you in private at our meeting last Monday night. The public that elected us doesn't particularly care whether we like each other. But they do expect us to work together in the best interests of the City of Rockville. I will work with you and give you the benefit of my thinking on issues just as I always have to other mayors and councilmembers during my previous four terms. I will also point out to the citizens of Rockville when you try to freeze me out of the process. You won't always like what I have to say on an issue or how I say it - just as I won't always like what you have to say or how you say it. That's what policy debate is all about. But I can assure you that abusing the process of government, as you have with the issue of the City Manager, will not serve you or the City of Rockville well.

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Re: Proclamation: Rockville Bible
Week - Nov. 22-29, 1987

Proclamation No. 23-87

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 23-87, the full text of which can be found in Proclamation File No. 2 of the Mayor and Council, proclaiming the week of November 22-29, 1987 as Rockville Bible Week.

Councilwoman Hovsepian, at the request of the Mayor, read the proclamation in which it was urged that all citizens participate in this interfaith observance. Members of the Rockville Kiwanis Club, Mr. Ron Knoll, Mr. John Tyner, and Mr. Bill Wilder accepted the proclamation on behalf of the Kiwanis Club.

Re: Citizens Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Mr. Mark Allen thanked the Director of Public Works for the City's efforts in the recent snow storm and also for keeping the leaf collection on time. Mr. Allen congratulated the Mayor and Council and asked that they turn their attention now to the Rockville Pike and consider four year terms. Mr. Allen also remarked of his hopes for a fifth All American City Award for the City of Rockville in the near future.

2. Leah Barnett, 19 Orchard Way North, congratulated the Mayor and Council on their victory. Ms. Barnett referred to a November 4th Washington Post article which quoted Councilman Coyle and Mayor Duncan and suggested that the article was an insult to all previous Mayors. Ms. Barnett's second point addressed invitations to the swearing-in ceremony of the Mayor and

Council and she asked for disclosure on the amount of time and money spent on the event.

Councilman Coyle explained that the statement referred to in the newspaper was taken out of context and he read a letter of clarification he had written to the paper. Mayor Duncan explained to Mrs. Barnett that invitations were issued to the swearing-in to all citizens through the City newsletter

3. Mr. Richard Resnick, 953 Farm Haven Drive, President of the North Farm Citizens Association, congratulated the Mayor and Council on their victory and said he looks forward to working with them and at the same time commended them on their choice of Mr. Kuckkhan as Acting City Manager.

4. Ron Knoll, Rockville Kiwanis Club, exhibited the Rockville Report Newsletter, in which the invitation to the swearing-in appeared, to all those present.

5. John Tyner, 5911 Halpine Road, applauded the Mayor and Council on the quickness of their first decision and stated that he is sorry that Mr. Robinson is not present this evening to thank him for the actions he took with Civic Associations concerning traffic and the work of Boards and Commissions. Mr. Tyner wished the Mayor and Council success in their choice of a new manager.

There being no other citizens wishing to be heard, the Mayor closed this portion of the meeting.

Re: Approval of SWM On-Site Waiver
#4-88, Richard Montgomery High
School

This approximately 20 acre parcel of land is the site of Richard Montgomery High School. The site is located in the Cabin John Creek

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drainage area. The Montgomery County Public Schools propose to add a concession stand and related paving to the site.

The concession stand and related paving will add 0.12 acres of imperviousness to the site. The runoff from this new impervious area will travel by sheet flow approximately 50 feet to an existing storm drain inlet. The runoff is then conveyed by enclosed storm drains to Cabin John Creek at Elwood Smith Park. The existing Mount Vernon SWM Facility, which is located just north of Mount Vernon Place, can provide compensating storage for the additional runoff from this site.

Staff recommends that a waiver be granted and that a contribution of \$2,400 (0.12 impervious acres at \$20,000 per acre) be accepted toward the City's off-site SWM program.

On motion of Councilman Abrams, duly seconded and unanimously passed, SWM Waiver #4-88 and a contribution of \$2,400.00 towards the City's off-site SWM program was accepted by the Mayor and Council.

Re: On-site SWM Waiver #6-88 for
Montgomery College Auto Tech
Facility, 51 Mannakee Street,
U-391-87

The 84 acre Rockville Campus of Montgomery College is located in the Watts Branch drainage area. The college plans to construct a building for an Auto Technologies Facility on a portion of the site.

The building and related paving will result in 0.40 acres of impervious area. The runoff from this site enters an enclosed on-site storm drain system and is conveyed to a pond on the college campus. The runoff is then discharged from the pond to a tributary of Watts Branch and conveyed to the proposed Anderson Park SWM facility which is currently under design. The

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proposed Anderson Park Facility will provide both water quality and quantity control for the additional runoff.

Staff recommends that a waiver be granted and that a contribution of \$8,000 (0.40 impervious acres at \$20,000 per acre) be accepted toward the City's off-site SWM program.

On motion of Councilman Abrams, duly seconded and unanimously passed, SWM Waiver #6-88 for Montgomery College Auto Tech Facility and a contribution of \$8,000.00 towards the City's off-site SWM program was accepted by the Mayor and Council.

Re: Final Report of the Board of
Supervisors of Elections

The Board of Supervisors of Elections hereby certify the results of the November 3, 1987, election in the City of Rockville:

For Mayor:	Douglas M. Duncan	4,737
	Steven Van Grack	3,214
For Council:	Stephen N. Abrams	4,499
	James F. Coyle	5,102
	Viola D. Hovsepian	4,881
	Andrew W. Johnson	3,976
	James C. Moone	3,344
	Sima Osdoby	3,159
	David Robbins	4,534

In accordance with the provisions of Article III, Section 4-31 (h), Election Ordinance of Rockville, the Board declares the following to the elected:

Mayor:	Douglas M. Duncan
Council:	Stephen N. Abrams
	James F. Coyle
	Viola D. Hovsepian
	David Robbins

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BOARD OF SUPERVISORS OF ELECTIONS

Maurice S. Ward, Chairperson, Paula B. Porpilia, Vice-Chairperson,

Walter A. Donaldson, Raymond J. Sherbill, and Alice Lyon

On motion of Councilman Abrams, duly seconded and unanimously passed, the report was accepted by the Mayor and Council.

Re: Approval of Contract Extension
and Authorization for
additional appropriation to
accommodate election
consultant

When the contract with Marie Garber, Election Consultant, was approved by the Mayor and Council, the agreement provided that the consultant would work on an hourly basis and would be paid an amount not to exceed \$8,600.00 without prior authorization from the Mayor and Council. As of November 12, 1987, the consultant had expended a total of hours equivalent to \$11,771.25. Since the consultant, in all likelihood, will provide additional follow-up services after this date, the Mayor and Council is requested to authorize an additional payment of \$3,171.25 to Marie Garber and authorize the appropriation of an additional \$1,000.00 for any follow-up work.

On motion of Councilman Abrams, duly seconded and unanimously passed, approval and authorization was given by the Mayor and Council.

Re: Introduction of Resolution:
To enlarge the corporate
boundaries of the City of
Rockville to include 70,853
square feet of land, more or
less of J&B Company, a
Maryland General Partnership

On motion of Councilman Abrams, there was introduced upon the table a resolution to enlarge the corporate boundaries of the City to include 70,853

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square feet of land, more or less, of J&B Company, a Maryland General Partnership.

Re: Adoption of Resolution: To provide for public hearing and notice in connection with the annexation of 70,853 square feet of land, more or less, of J&B Company, a Maryland General Partnership

Resolution No. 30-87

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 30-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, providing for public hearing on Tuesday, February 1, 1988, at 8:00 p.m., of Annexation Petition X-104-87 was approved by the Mayor and Council.

Re: Approval of Testimony on
Montgomery County Schools CIP

The Mayor and Council reviewed the testimony as provided by the staff and suggested additional comments.

On motion of Councilman Abrams, duly seconded and unanimously passed, the testimony was approved.

Re: Correspondence

Mayor Duncan asked that the staff follow-up on some suggestions on stop signs provided by Mr. Lackey.

Councilman Coyle noted that two grants had been received in the City, one to Senior Services and one to a private senior housing study.

Re: New Business

1. Councilman Abrams moved that the City Clerk's contract be extended for six months. Mayor Duncan asked that this be discussed during Executive Session.

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2. Councilman Coyle suggested a meeting be set in the future between the Mayor and Council, the County Council and County Executive to discuss the current status of the fire services.

3. Councilman Coyle asked that a work session be scheduled with the Cultural Arts Commission in the near future since there are many things that should be discussed.

4. Councilman Coyle asked what is being done on the census issue. He asked if the concerns of state and local government are being addressed in trial runs. Councilman Abrams suggested a pre-census be done by the City and efforts be made to have better knowledge of the Asian-Spanish population of the City. He asked that this be put on a future agenda. Mayor Duncan agreed it would be put on the November 30, 1987 agenda.

5. Councilman Coyle asked the timing of the Seven Locks, Ritchie Parkway and Falls Road construction, citing that if the road is to be closed before the intersection is completed, more information should be provided to the citizens.

6. Councilman Abrams asked for information from the staff on the Jefferson Street extension. He requested a side-by-side comparison and impact study since that is needed for a decision to be made.

7. Mayor Duncan asked the staff to provide a report on the monorail study, where it stands and what action it takes to halt the study at this time.

8. Mayor Duncan said he is interested in a Growth Policy Task Force and a Day Care Task Force. He would like to know the fiscal cost and he would like a detailed memo concerning its operation. Councilman Abrams

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asked how the growth policies actions would differ from what the Planning Commission generally does.

Re: Approval of Minutes

On motion of Councilman Coyle, duly seconded and passed, Councilmembers Hovsepian and Robbins abstaining, the minutes of Meeting No. 40-87, October 19, 1987, were approved by the Mayor and Council.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for Executive Session to discuss personnel. Since there was no necessity for an Executive Session, the meeting was adjourned at 10:20 p.m. to convene again in General Session on Monday, November 30, 1987, at 8:00 p.m. or at the call of the Mayor.